

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

September 1, 2009

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, September 1, 2009 at 7:00 p.m. in the Wethersfield Town Council Chambers located at Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut.

1. CALL TO ORDER

Chairman Hammer called the meeting to order at 7:03 p.m.

1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum)

Clerk Knecht called the roll as follows:

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	✓		
Richard Roberts, Vice Chairman	✓		
Philip Knecht, Clerk	✓		
Thomas Harley	✓		
Robert Jurasin	✓		
Frederick Petrelli		✓	
Earle Munroe	✓		
George Oickle	✓		
Anthony Homicki	✓		
James Hughes (alternate)		✓	
David Drake (alternate)	✓		
Thomas Dean (alternate)			✓

Also present: Peter Gillespie, Town Planner
Denise Bradley, Assistant Planner.

Chairman Hammer noted that there were 8 full members and 1 alternate in attendance at the time of roll call. All members present to participate.

Members of the public were present.

2. OLD BUSINESS

There was no old business.

3. NEW BUSINESS

3.1 APPLICATION 1674-09-Z Mary Ann Ziewacz Seeking Site Plan and Design Review for modifications to Application No. 1586-07-Z (stone wall) at 233 Highland Street.---CONTINUED FROM 8/4/09.

Ms. Sandra Tata, 15 Stonegate Drive, appeared before the Commission on behalf of the Applicant who was unable to attend this meeting. She presented the Commission with the wall dimensions (in writing), a copy of a site plan prepared by A.J. Vicino & Sons, Inc., 259 New Britain Avenue, Rocky Hill, CT

06067-1015 noting details to landscaping around the utility box. Town Engineer, Michael Turner, has approved the plan. Ms. Tata has presented the information noting that the Applicant believes to adequately address the outstanding issues relative to this Application. Ms. Tata indicated that she supports this Application.

Discussion:

Commission Oickle, referring to Peter Gillespie's August 27, 2009 Memorandum, made an inquiry as to whether the Staff recommendation that landscaping commence immediately for the proper planting of seed and mulch stabilization should apply to Ms. Tata's lot as well as the Applicant's. Mr. Gillespie indicated that he was primarily concerned with the Applicant's lot due to its present condition. Also, Mr. Gillespie noted that erosion complaints about the Applicant's lot were received after recent storms. Mr. Gillespie believes that the time to address issues concerning planting and mulch stabilization on Ms. Tata's lot would be when a zoning permit for her lot is sought.

Commissioner Hammer inquired as to neighbors, Mr. and Mrs. Andrews' input on the landscape site plan submission. Mr. Gillespie noted that information relative to the landscape site plan was shared with Mrs. Andrews by the Town Engineer and him. He believes Mrs. Andrews understands the need for the change being discussed with the wall. He noted that she expressed her concern with the ultimate and final details regarding the second lot. As such, she requested notification when a building permit application is filed to ensure drainage issues do not adversely affect her property. She realizes that when the subdivision was approved, conditions for drainage were noted as careful considerations in the plan.

Since there are currently no building permit plans or driveway placement plans for Ms. Tata's lot, Mr. Gillespie believes it reasonable to suggest temporary seeding to occur for stabilizing the slope by the utility pad to avoid continued erosion into the street.

Commissioner Hammer suggested and Mr. Gillespie agreed that the option of completing full or partial landscaping on Ms. Tata's lot relative to preventing slope instability should be left with the Applicant and Ms. Tata. He also suggested that a landscaping obligation on Ms. Tata's lot be clearly incorporated as a condition for building permit approval and/or a Certificate of Occupancy for her lot to avoid complications of applying the conditions from the approval of the existing subdivision when the building permit is sought for Ms. Tata's lot.

Motion: Commissioner Roberts made a motion to approve the Application to allow removal of the stone wall. In replacement of the stone wall, installation of landscaping and stonework substantially as shown on the A.J. Vicino drawings and the attached materials provided by the Applicant that are consistent with the information contained in the Town Engineer, Mike Turner's, August 26, 2009 Memo. This Application is approved with the following stipulations:

1. The landscape slope from the Stonegate Drive back of walk shall not exceed 3:1 slope;
2. General drainage patterns on approved site plan at common lot line between Lots 1 and 2 be adhered to;
3. The modification from retaining wall to landscape/mulch bed be carried along the Stonegate Drive frontage of both lots, provided if lot 2 elects not to decide to install the landscaping this season, they shall do whatever is necessary to stabilize the lot to avoid erosion and siltation into the sidewalk and drainage system;
4. Any deviation of plant materials is approved by the Town Staff;

5. The landscape plan must be submitted to Town Staff at the time a building permit is sought;
6. Should the work be done this year, it must be completed and stabilized this planting season and no later than October 15, 2009; and
7. A permanent Certificate of Occupancy will not be granted until stonework and landscaping are completed.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: Jurasin

Vote: 8 - 0 - 1

This Application is approved with Stipulations.

3.2 PUBLIC HEARING APPLICATION NO. 1681-09-Z Peter Gural Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 1881 Berlin Turnpike.

Mr. Peter Gural, 759 New Britain Avenue, Rocky Hill, CT 06067, appeared before the Commission and provided responses to outstanding issues noted at the August 4, 2009 Planning and Zoning Commission Meeting. He indicated that he was an apprentice butcher in 1972, worked in various food service capacities for at least 35 years and purchased his CCHD permitted roadside vehicle in 2002. He has had no inspection problems concerning his business.

He noted that he proposes to clean the 1881 Berlin Turnpike blighted property approximately 90'x20'+ creating a total usable area of 90'x77' (or 6900+ sq. ft.) . The usable area would allow for painted lines to be drawn (painted) for approximately 19 parking spaces of 9'x18'. Signs posted for one-way entry from the Berlin Turnpike and exit onto Arrow Road. A power pole located on the Northwest section of the lot (see photo) would facilitate electricity feed. Temporary lighting would be accommodated, as Applicant's insurance carrier would require. Trash receptacles would be available for customers and emptied daily. The drainage catch basin on the Northeast corner of the property would be cleaned. The lot would be plowed. Hours would be 7am-7pm, 5-6 days per week dependent upon season and other business commitments. There would be signage on the roadside vehicle.

Mr. Gural stated that if his Application is approved, he will register his vending vehicle in Wethersfield.

Discussion:

Commissioner Knecht inquired and the Applicant confirmed that he is in negotiations with the current land owner to purchase said property. Commissioner Knecht also inquired and the Applicant stated that the current Vendor, Mr. Gleason, will stop selling hot dogs at the site on September 1, 2009. He also noted that the Applicant has many years of experience in the food business, that he has not been cited by any regulatory agency, and suggested that the Commission provide the opportunity to the Applicant to operate at the site.

Commissioner Jurasin expressed concern that the hot dog vendor, Mr. Gleason's, Application to sell hot dogs at the site was for an approval that would expire on December 31, 2009. Commissioner Jurasin

suggested and Mr. Gillespie agreed that for safety purposes, the sight lines on Arrow Road should be made after all necessary brush is cleared in addition to the Applicant's plan to remove the brush depicted in the photographs and on the site plan. Commissioner Jurasin believes that the number of parking spaces required for the Applicant to operate falls well within the scope of Town Zoning regulations.

Mr. Gillespie noted that Mr. Gleason explained that his business would operate through August 31, 2009 because he was a full-time teacher utilizing the summer vacation period as an opportunity to make income. Mr. Gillespie stated that Mr. Gleason's approval included the cart as located on the site closer to the Berlin Turnpike and that this Applicant is requesting to be located on the site corner further away from the Berlin Turnpike. Mr. Gillespie noted that with Town Engineer expertise and improvements proposed by the Applicant there is plenty of room for both vendors to operate at the same time. In terms of the brush clearing

Commissioner Hammer suggested that should the Commission approve this Application, a condition should be included. This condition would state that given the PZC approval for the hot dog cart expires on December 31, 2009, Mr. Gleason has the right to return to the site and operate according to the PZC approval of June 16, 2009. If Mr. Gleason seeks to return to the site and operate according to the PZC approval of June 16, 2009, the Applicant must accommodate Mr. Gleason at the site.

Commissioner Oickle is concerned with the permanency of this business, the fact that this site would not be paved while the Town requires other businesses to do so, the lack of handicapped accessibility, property drainage, and the inadequate tax revenue the Town would collect. He noted that there is a lack of professional assistance with issues of landscaping and lot preparation and believes that a precedent in this regard could be set. He stated that too much Staff time would be utilized when implementing a temporary business plan and questions what other Towns are doing with regard to the regulation of businesses such as the Applicant's. He noted the location of this site as a gateway into Wethersfield from the Berlin Turnpike and to Route 175 while questioning the impression made of that area by visitors as well as Town residents. Should the Application not be approved, Commissioner Oickle believes that the property owner should be cited under the Town codes and regulations for site maintenance.

Commissioner Drake believes that lighting codes/regulations should apply to this Applicant. He believes that paved parking and curbing requirements apply to other businesses. He believes that the lighting requirements for other businesses should be applied at this location. He suggested that should a permit be issued, it should be temporary or seasonal.

Commissioner Munroe believes that parking for 19 vehicles and 2 trucks cannot be accomplished at this site. He suggested that a sketch should be provided for purposes of parking clarification. He believes the driveway ingress and egress are not adequate, and he questioned whether the location of the vehicle detector for Arrow Road would adequately serve traffic exiting the site.

Commissioner Homicki indicated that most concerns have been addressed by the Applicant and that he is okay with the Application. He mentioned that over 18 vendors have utilized the site over at least a 22-year period and that no other vendors have been utilizing the property, other than the recent hot dog vendor, since 2003. He suggested that the one-year term being sought by the Applicant is appropriate, as the term can be viewed as a "test run" for the business.

Mr. Gillespie noted that property closest to the Berlin Turnpike at the site is a combination of concrete

and asphalt. He stated that there is asphalt curbing at the catch basin and asphalt curbing near the curb cuts on Arrow Road and Berlin Turnpike. The cover at the back of the property at the site is dirt and gravel. Asphalt millings would be placed in that area. Mr. Gillespie indicated that painted lines for the parking spaces could be maintained on the site because the property likely has asphalt millings.

Mr. Gillespie indicated, upon inquiry of Commissioner Homicki, that he is not aware whether the intersection of Arrow Road and the Berlin Turnpike is regarded as a problem intersection.

Commissioner Hammer noted that the hot dog vendor spent 3 hours a day for 5-6 days per week and the Applicant plans to spend at least 12 hours a day, 365 days per year. Therefore, the Applicant's operation makes for a much more involved presence. Brings up whether any of the other site improvements are needed and how far the Commission wants to go with regulation in the use of this site for businesses such as those of the Applicant. Commissioner Hammer also inquired and the Applicant confirmed that catering orders, as well regular customer orders would be accommodated at this site.

Commissioner Hammer inquired and the Applicant asserted that the Towns of Glastonbury (in a parking lot location where an auto parts exists) and Rocky Hill (in the locations of Rte. 3, Shunpike Road and Dividend Road) allow food vendors. Commissioner Oickle noted that the food vending cart locations of Shunpike Road and Dividend Road in Rocky Hill are most likely paved surfaces.

Motion: Commissioner Roberts made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Motion: Commissioner Jurasin made a motion to approve the Application with the following Stipulations:

1. This Application approval is for one (1) year: 09/01/09-08/31/10;
2. Applicant may operate at the site 5 to 6 days per week from the hours of 7:00 AM to 7:00 PM;
3. The blighted area of 90'x20' is to be cleaned and cleared, as to the satisfaction of Town Staff;
4. Applicant is to clear and remove trees, stumps, and large rocks at a minimum, to allow the Applicant to proceed at site;
5. Applicant is to remove concrete debris;
6. Applicant is to re-grade the 90 ft. x 20 ft. lot;
7. Applicant is to spread 1 Tri-Axel load of millings in parking lot;
8. The reusable area will be 90 ft. x 77 ft (or 6900 sq. ft.);
9. The number of parking spaces are to be determined by the one-way travel width and to the satisfaction of Town Staff;
10. Upon completion of #9 above, Applicant is to provide painted lines for parking delineation where necessary;
11. The Driveway Entrance for the site is to be located on the Berlin Turnpike and Driveway Exit for the site is to be located on Arrow Road. The width and circulation of the driveway is to be

- determined by Town Staff;
12. The driveway's One-Way directional signs are to be posted according to Town Staff ;
 13. Applicant is to provide trash receptacles for customer use, and Applicant is to pick up trash on a daily basis;
 14. Applicant must provide space to Mr. Gleason (hot dog cart vendor), subject to the terms of Mr. Gleason's Lease, until December 31, 2009;
 15. Site illumination plans are to be submitted to Town Staff for approval;
 16. Business sign (advertisement) plans for site are to be submitted to Town Staff for approval;
 17. Town Staff may return to PZC should problems occur with site illumination and/or signage;
 18. Applicant is to provide the appropriate site designations on Arrow Road in conformance with Town requirements;
 19. Applicant is to continually provide maintenance of the necessitated clearing of brush. This maintenance includes the brush depicted in the photographs and on the site plan provided by the Applicant.
 20. Applicant is to recognize that this Application approval is for a temporary establishment.

Second: Commissioner Homicki seconded the motion.

Aye: Knecht, Harley, Jurasin, Homicki, Drake

Nay: Hammer, Roberts, Munroe, Oickle

Abs: None

Vote: 5 - 4 - 0

This Application is approved with Stipulations.

3.3 PUBLIC HEARING APPLICATION NO. 1679-09-Z Mark & Marianne Cronkhite Seeking a Special Permit to park a recreational vehicle (camper) larger than permitted in a residential zone at 115 Spruce Street.

Ms. Marianne Cronkhite and Mr. Mark Cronkhite, 115 Spruce Street, appeared before the Commission. Ms. Cronkhite indicated that the Application is for a Special Permit to allow the family's 2003 Innsbrook Trailer to remain parked at their residence for 6 months per year. Ms. Cronkhite cited 3 reasons for their request. (1) Economic: She and her husband have 3 children, and family vacations spent at hotels became costly and are no longer an option; (2) Family History: She and her husband, as children, have fond memories of camping with their families; (3) Setting a good example: She and her husband wish to instill in their children the value of spending quality time with the family while having fun camping. Ms. Cronkhite stated that she and her husband had their driveway expanded to accommodate the trailer's parking as far back onto the rear of their property as possible. Ms. Cronkhite asserts that she and her husband were not aware, at the time the camper was purchased, that a Special Permit is required of them to park it on their property. The trailer is stored at an indoor facility on the Berlin Fairgrounds from October through the end of April to prevent damage to the trailer from the winter weather elements.

Ms. Chronkite indicated that the trailer is removed from storage and used in the month of April, various weekends in the Spring, and holiday weekends from Spring through Fall and for 3 weeks straight in the Summer.

A petition signed by at least 40 neighbors who do not object to the vehicle's presence on the property for

6 months has been provided to the Commission from the Applicants. The Applicants noted that the neighbors who signed this petition reside next to, across the street from and down the street from the Cronkhite family.

Ms. Bea Goddard, 97 Spruce Street, appeared before the Commission indicating that the trailer has been well maintained and that the water problems which exist would further complicate the issue of storing the trailer further back on the Applicants' property. She asserted that many of the neighbors do not object to the Applicants' trailer being parked at their residence, as stated.

Discussion:

Commissioner Oickle noted that no residence exists in the adjoining lot, as it is wetlands and that the Applicants keep their property very clean. He inquired if the fence in the back of the Applicants' property could be moved back to park the trailer further back on their property. Mr. and Ms. Chronkite indicated that their property borders Route 15 and that water problems the Town is aware of exist on their property. As such, they reasoned that moving the fence back further would pose complications.

Commissioner Hammer inquired and Mr. and Mrs. Cronkhite noted that the trailer has been parked on their premises for 4 years. No house to the left of their residence, as there are wetlands. Commissioner Hammer asked Mr. Gillespie to speak to the number of years given to other Applicants regarding the storage of trailers on their property. Commissioner Hammer noted that establishing a term of years is appropriate so that the permit would apply to a particular Applicant, as not to run with the land.

Mr. Gillespie indicated that the conditions vary across the board depending upon the situation presented by an Applicant. The Zoning Board of Appeals has handled these issues, and Mr. Gillespie cannot speak to ZBA records. However, he noted that this Commission has issued temporary permits for a term up to 3 years.

Commissioner Drake noted that particular circumstances may warrant special permits for trailers of a particular size. However, he believes that the size of this trailer dictates the need for making permits of this kind temporary. He suggested providing a 1 year term with the condition that the Applicants do not have to pay a \$200.00 fee. He believes a permit of this kind would allow a neighbor who opposes the storage the opportunity to object to the matter with the Planning and Zoning Commission. He also noted that this situation is unique, and should be noted as such, as the land abutting the Applicants is wetlands.

Commissioner Harley indicated that establishing a term for the permit provides protection for the neighbors should the Applicants decide to sell their property. He also noted that the Applicants keep the trailer in storage off their property during the majority of the year.

Motion: Commissioner Oickle made a motion to close the public hearing.

Second: Commissioner Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Motion: Commissioner Oickle made a motion to approve the Application with the following Stipulations:

1. The term of the Special Permit is for 3 years;
2. The regular standard application fee is waived. However; the cost for the Notice of Publication (which is done by newspaper by mail) is to be reimbursed by the Applicants to the Town

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Amended Motion: Commissioner Jurasin made a motion to amend the Motion of Commissioner Oickle to approve the Application with Stipulations. Commissioner Jurasin added the following Stipulations:

3. The Special Permit duration is for the months of April through September;
4. The trailer is to be located off site for at least 5 months per year;
5. The trailer is an Inns brook, 30-foot trailer;
6. The trailer is to be parked solely in the location depicted in the photographs (on the side of the property), as presented by the Applicant.

Second: Commissioner Roberts seconded the motion.

Vote: 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

This Application is approved with Stipulations, including those Stipulations added in the Amended Motion.

3.4 PUBLIC HEARING APPLICATION NO. 1680-09-Z Donald Weston Seeking a Special Permit to construct a residential addition on an existing commercial building with related site improvements at 75 Garden Street.

Mr. Alan Munkittrick of Munkittrick Associates, 235 Middle Haddam Road, Portland, CT 06480 appeared before the Commission, representing the Applicant. He is the architect for the project described in the Application. He described the project described in the Application as a two-story addition (43'x9"x26'-0" including second floor bay) plus a one-story residential addition (6'-6"x18.25') to an existing one-and-a-half story commercial building dedicated to Dr. Weston's dental practice located at 75 Garden Street. Site work is included with the plan. A 3-bay garage would result at the ground level of the addition, and Mr. Munkittrick noted that the Historic District Commission views the new garage as not overwhelming to the Historic District, as the design of the structure is compatible

with neighborhood aesthetics. Refuse/storage area would be located and accessed underground by way of an elevator. Mr. Munkittrick noted that the Historic District Commission has approved this Application.

Mr. Munkittrick noted there are 3 or 4 items for resolution in this Application, 2 of which are setback related.

One issue has to do with the side yard setback from Old Smithy Lane as 10 feet at the corner of the residential addition to the building.

The other setback issue has to do with the existing front yard, which of which is less than 4 feet. Mr. Munkittrick understands that an existing condition for the commercial property is in place, as the front yard setback falls under the 25 foot regulation. The two-story residential addition to the building will also involve a ground-level, 3-bay garage which will include space for refuse storage, a residential elevator and stairs down to a basement storage under the garage. The plan calls for consideration for the waiver of the 850 sq. ft. zoning requirement to maximize the garage and allow the 1100 sq ft. addition.

The third matter for Commission consideration is parking. Currently, there are 15 parking spaces for the commercial property. The Applicant would reduce the amount of parking spaces to 13 for the commercial operation and add 3 spaces for the residence.

Mr. Munkittrick stated that the scale of the addition has been broken down quite well and most of the Historic District Commission members agreed. The white colored residence on the corner of Old Smithy is large in scale and is comparable to the mass and scale of Application herein.

Donald Weston, DMD, 75 Garden Street, also appeared before the Commission and responded to Commissioners questions as discussed below.

Ms. Mary Goldman, 363 Wells Road, appeared before the Commission in support of this Application. She and her family members are patients of Dr. Weston and have had no problems parking or accessing the parking lot. She asserted that patients of Dr. Weston do not park on the street. Her son has attended the Rainbow Center for day care, which is located directly across the street. She stated that clients of that center park on the street regularly.

Mr. David Scott Haines, 151 Huntington Drive, Vernon, CT, appeared before the Commission. He is the Executor of the Estate of Catherine Haines, 16 Old Smithy Lane. He opposes the Application because he believes the addition would be out of character for the area and obtrusive to the overall ambience of the cul-de-sac on Old Smithy Lane. He noted there are 6 numbered properties on Old Smithy Lane and one property on Main Street that are directly affected by this Application. Mr. Haines provided a petition signed by 4 neighbors who oppose this Application. He stated that no other properties in Old Wethersfield have 3-car garages. He believes that traffic issues at Old Smithy Lane and Garden Street will be further complicated by this Application. He believes that setback and other requirements need more analysis. He stated that the addition, its entrance and a 3-car garage on Old Smithy Lane will have a negative impact on Old Smithy Lane. He believes the value of the properties on Old Smithy Lane will be adversely affected. He noted that no alternative proposals for a smaller structure and/or garage entrance from parking lot rather than Old Smithy Lane. He believes that entrance to a 2-car garage should be made by way of the existing driveway and not on Old Smithy Lane. Mr. Haines stated, in response to Commissioner Knecht, that a 3-car garage would depreciate the values

of properties surrounding the Applicant. Mr. Haines stated that the size and scope of the Application would potentially impact the value of the surrounding properties.

He also noted that should there be an approval for the addition, it be made solely with greater emphasis placed on its completion with more respect of all property owners' needs and not that just of the current Applicant.

Discussion:

Commissioner Oickle inquired and Mr. Munkittrick responded that in essence, the Applicant is seeking approval for 1 additional parking space in its Application. Commissioner Oickle inquired and Dr. Weston stated that the parking lot for his practice has never been filled to capacity with his patients. Commissioner Oickle questioned why street parking is overloaded in the area of Dr. Weston's practice. Dr. Weston noted that none of his staff or patients contributes to street parking overload. Dr. Weston noted that there is a long history of parking issues on the street. He also noted that Dr. Shapiro's patients have parked on the street for many years. He believes that a grandfathering provision as to the parking accommodation regulations for commercial businesses in the District applies to Dr. Shapiro's practice despite Dr. Shapiro's son joining the Practice, the Practice becoming larger and no off street parking available for that Practice. Some of the street parking may be occupied by D'Esopo. Commissioner Oickle inquired and Mr. Munkittrick stated that the landscaping abutting the Haines' property will remain.

Commissioner Hammer inquired and Dr. Weston stated that he will be residing in the 1100 sq. ft. residential addition. Dr. Weston currently resides in Farmington, CT and wishes to relocate accordingly. Dr. Weston stated that he has friends and patients in this community and desires to reside here in Wethersfield.

Commissioner Jurasin believes that the number of parking spaces that theoretically for the dental office meets Town regulations and that clearly 3 are for the house. When there used to be 15 spaces, Town regulations were for 12. Commissioner Jurasin suggested that the waiver for parking should be that of what is required for the dental office minus what the dental office currently has, as the residential parking requirement is different. Commissioner Jurasin is concerned with future issues that may arise should Dr. Weston wish not to reside at the location.

Commissioner Jurasin inquired of Mr. Gillespie an explanation of waiver for the setback.

Mr. Gillespie noted that the waiver is for a side yard setback to be 10 feet. Normal requirements are for 12 feet. Waive the maximum 850 sq. ft. of garage space to accommodate the 3-bay garage.

Commissioner Roberts stated that the 15 parking space allotment currently in existence on the property takes into account that the employees and staff who are family members that parked in the lot would now park in the garage proposed.

Commissioner Hammer requested clarification from Mr. Gillespie of Town regulations regarding parking at this site.

Mr. Gillespie noted that parking for a Medical/Dental office is regulated to 6 spaces per thousand sq. ft. The Applicant is proposing the use of 2201 sq ft for the dental office which would require 14 parking

spaces. Two parking spaces are required for the single family dwelling. The total amount of parking requested by the Applicant for this commercial site is 13. Therefore, a little relief on the parking is requested due to the nature of this dental practice, as it suggests that the notion of patient overflow relative to the available parking at this location as becoming problematic is essentially non-existent.

Mr. Gillespie noted that the Historic District Commission approval has been issued and that a letter indicating as such is on file.

Commissioner Munroe inquired and Mr. Munkittrick confirmed that he has licensed professional architects on staff. Commissioner Munroe also inquired if the plan has been signed and sealed from the Architect.

Mr. Gillespie noted that a plan, stamped, signed and sealed from the Architect, is required by the Town when a building permit application is sought.

Commissioner Knecht noted that he has been to Dr. Weston's office on several occasions and that the parking lot accommodated easy access into the building in a very comfortable manner.

Commissioner Drake believes noted his approval of the plan.

Commissioner Homicki questioned the Applicant about the number of bedrooms noted in the Application. Commissioner Homicki posed the question in consideration of issues relating to mixed use property, such as parking, which may occur should the property be sold in the future. Dr. Weston stated that 3 or 4 bedrooms (either option not affecting the square footage request or outside footprint) are needed for his 2 children who are now attending college.

Commissioner Hammer suggested a stipulation that the leased space has to be used by one of the practitioners in the practice. He also suggested a stipulation stating that resident occupants cannot park their personal vehicles in the parking lot during office hours.

Commissioner Drake noted his approval of the plan. He suggested a stipulation for the residence to contain 3 bedrooms.

Motion: Commissioner Roberts made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Vote: 8 - 1 - 0

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: Jurasin

Abs: None

Motion: Commissioner Roberts made a motion to approve the Application with stipulations.

1. The residential addition shall be limited to 3 bedrooms;
2. Occupants of the residential space shall park in the garage and not in the office parking lot during office business hours;
3. The minimum side-yard requirement is waived under Section 5.4.A.4 of the Wethersfield Zoning

- Regulations;
4. The maximum garage requirement is waived under Section 3.5.1.5 of the Wethersfield Zoning Regulations;
 5. The landscape table identified in Mr. Gillespie's and Ms. Bradley's 08/27/09 Memo be added to the plans;
 6. Any modification or addition of outdoor lighting fixtures shall meet the provisions of Section 6.7 of the Wethersfield Zoning Regulations and must be full cut-off or fully-shielded;
 7. The Site Plan shall be modified to include the 6 items listed in Mr. Gillespie's and Ms. Bradley's 08/27/09 Memo;
 8. A 10 foot minimum offset that would allow a vehicle to park in the driveway and not extend into the street is to be included in the Plan;
 9. A grading plan is to be submitted to the IWWC for approval due to change in storm drainage and the existence of 100 year floodplain on site;
 10. The Site Plan must indicate the new landscaping used to compensate for approximately 20 arborvitaes that will be displaced by the addition;
 11. The Plan is to depict the location of any exterior HVAC equipment, as building addition plans indicate new concrete pad and step.

Second: Commissioner Oickle seconded the motion.

Vote: 9 - 1 - 0

Aye: Hammer, Roberts, Knecht, Harley, Munroe, Oickle, Homicki, Drake

Nay: Jurasin

Abs: None

This Application is approved with Stipulations.

3.5 PUBLIC HEARING APPLICATION NO. 1682-09-Z Qaiser K. Yosufzai Seeking a Special Permit for outdoor product display (propane exchange cages) at 539 Nott Street.

Mr. Yosufzai, 539 Nott Street, appeared before the Commission indicating that an approval is sought for the installation of an outdoor product display for the sale pre-filled propane canisters at his retail establishment, The Country Store, which is located on Nott Street.

Commissioner Oickle requested that Mr. Gillespie provide the specifics for outdoor propane storage security. Commissioner Oickle suggested that the Applicant move the trash compactor back further from Yale Street. He also suggested that the Applicant align or stripe some parking spaces against the building. The Applicant stated that he could comply with both suggestions.

Mr. Gillespie noted that Town Regulations require crash protection when the product being stored is located in proximity to potentially active parking areas. Crash protection may include bollers, a half of a section of a jersey barrier or a type of physical protection that is substantial enough to withstand a potential bump or knock from a moving motor vehicle for purposes of fire or explosion prevention. The crash protection in the Application is not specified. However, the sketch indicates that some type of crash protection in addition to the storage of propane in some form of cage will exist. Mr. Gillespie noted that gas stations and hardware stores have this type of propane service.

Mr. Gillespie also noted that there is no defined edge to the parking at the site location. The cage would

appear on the Yale Street portion of the property rather than on the Nott Street portion of the property.

Commissioner Roberts noted and Mr. Gillespie agreed that the site is located in a B residence zone and the accessory provision still applies although it is non-conforming, as the accessory regulation is carried over (from residential to commercial and vice versa) as though it is incidental to the main use.

Commissioner Munroe inquired of the Applicant as to how many people are working at the site as it operates. The Applicant noted 2 people work at the site, as it operates. Mr. Gillespie reiterated that the Applicant would not be manually filling propane tanks, as they are pre-filled.

Motion: Commissioner Homicki made a motion to close the public hearing.

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Hughes, Dean

Nay: None

Abs: None

Vote: 9 - 0 - 0

Motion: Commissioner Oickle made a motion to approve the application with the following conditions:

1. The trash compactor is to be moved further away from the street side at Yale Street;
2. Striping is to be made for parking along the building

Second: Commissioner Homicki seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Hughes, Dean

Nay: None

Abs: None

Vote: 9 - 0 - 0

This matter is approved with conditions.

The following matter will be taken out of order:

Motion: Commissioner Oickle make a motion to take Agenda Item **3.7 PUBLIC HEARING APPLICATION NO. 1684-09-Z Mary Goldman** Seeking a Special Permit for a home occupation at 363 Wells Road, out of order.

Second: Commissioner Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

3.7 PUBLIC HEARING APPLICATION NO. 1684-09-Z Mary Goldman Seeking a Special Permit

for a home occupation at 363 Wells Road.

Ms. Goldman of 363 Wells Road, appeared before the Commission. She described her home based business as a one-chair, one-sink Hair Salon in an existing area that was built back in the 1970s and that would be located at her residence of 10 years. The residence has two rooms with a separate entrance that she envisioned being zoned for business. The 2 previous owners of her residence were both psychologists who operated their businesses from this location.

The Applicant had been working at a salon in Wethersfield for at least 10+ years. Difficulties with hearing her clients arose at her previous employer due to the level of noise generated from the operation of a busy hair salon. Since she has some significant hearing loss, she chose to operate a business from home. Her business would accommodate less than 25% of the floor space at her residence.

She noted that a complaint was made to the Health Department that she was operating an unlicensed salon at her residence. Upon learning the issue of licensure, she immediately contacted Brian O'Connor.

Depending on the outcome of this Applicant, she will continue to await licensure from the Health Department, pursuant to the 4 conditions required and met to the satisfaction of the Health Department: (1) purchase of a broom with a sweeper and cover; (2) a cabinet is needed for storage of towels; (3) disinfectant for the towels is needed (which she uses anyway); (4) installation of a back flow preventer for the sink. Her plumber will pull a permit for his work for the sink installation work on the other side of the garage

There are no more than 2 automobiles in her driveway at a given time, and there is room to turn around. Her personal vehicle is in the garage during the daytime hours. Letters from 3 of her neighbors indicate that it is not obvious from the view of the road that the small hair salon business exists in her home, and they do not object to having her operate as such.

An agent of the Health Department made an inspection of her operation and noted it was essentially up to code. Despite the fact that she was paying taxes for the past 2 years on the income generated from utilizing the site, she learned that she didn't have the proper licensing.

Discussion:

Commissioner Oickle noted that he visited the site and it is next to the southern wetlands of Wintergreen Woods. There is no other residence next to the site. He believes that her application is reasonable and Staff can recommend conditions to the Application if necessary. He inquired of the Applicant as to whether paving in the existing driveway is need. The Applicant noted that paving will be done to the existing driveway.

Commissioner Drake suggested that an approval which would run with the land should be avoided.

Commissioner Hammer suggested that conditions in an approval for the Application can be made as stated in the Application. He noted that a term for the Application would negate the possibility of an approval running with the land.

Motion: Commissioner Roberts made a motion to close the public hearing.

Second: Commissioner Munroe seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Motion: Commissioner Munroe made a motion to approve the Application with the following

conditions:

1. The business space is determined as 9x12 square feet;
2. The permit is for a period of 5 years;
3. Operate no more than 2 days per week;
4. Serve no more than 2 clients at a time;
5. Retail sales are prohibited;
6. Signage noting a business on the site is prohibited

Second: Commissioner Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Application approved with conditions.

3.6 PUBLIC HEARING APPLICATION NO. 1683-09-Z Town of Wethersfield Seeking a Zoning Text Amendment regarding commercial vehicles.

Mr. Gillespie appeared before the Commission noting that the proposed changes were referred to the Regional Planning Agency and to our abutting and neighboring communities, as required by statute and within the prescribed timeframes. This is an interim proposal. Mr. Gillespie described the modification to Section 3.3.1.A.2. This modification is being made to close a loophole. The loophole allows for the parking of commercial vehicles of unlimited size, weight and purpose to be permitted in residential zones (in a garage or rear property) as of right with no limitations.

Mr. Gillespie noted that there have been examples of recent applications that the Commission would have liked to review but were permitted by the loophole. Mr. Gillespie reiterated that the “as of right” standard caused by the loophole has created the need for the need for a zoning text amendment.

Mr. Gillespie stated that a 3-tiered regulatory process has been considered for future adopting when reviewing matters when initially submitted to the Town for vehicle permit. One tier would comprise of matters under a certain size and weight that result in no permit requirement. The 2nd tier would comprise of matters under a certain size and weight that result in no permit requirement but require the discretion of Staff. The 3rd tier would comprise of matters requiring a hearing with regulation by the Zoning Board of Appeals.

Discussion:

Commissioner Hammer made an inquiry as to whether the number of axels on a vehicle is addressed in the zoning text amendment.

Commissioner Oickle inquired as to whether Mr. Gillespie has heard any commentary from the public regarding the zoning text amendment.

Commissioner Jurasin inquired as to the impact the change would make with respect to an effect on the number of future applications. He also inquired of the necessity of the “in the course of their

employment” zoning text amendment language.

Commissioner Drake noted some issues in the clarification of the text amendment language example as provided.

Commissioner Roberts noted that using double negative language in the clarification of the text amendment is to be avoided.

Motion: Commissioner Oickle made a motion to close the public hearing.

Second: Commissioner Homicki seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Motion: Commissioner Roberts made a motion to modify Section 3.5.1.A.2. to read: “Parking in a garage or in a rear yard for (1) commercial vehicle owned or used by a resident of the premises in the course of their employment, which vehicle does not exceed a gross vehicle weight rating (GWR) of ten thousand (10,000) pounds.”

Second: Commissioner Oickle seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

This matter is approved, as clarified.

4. OTHER BUSINESS

5. MINUTES – Minutes of the August 4, 2009 meeting.

Commissioners Roberts and Oickle noted corrections to the Minutes. The Minutes will be revised accordingly.

Motion: Commissioner Oickle motioned to approve the minutes with the suggested revisions.

Second: Commissioner Roberts seconded the motion.

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle

Nay: None

Abs: Homicki, Drake

Vote: 7 - 0 - 2

Commissioners Homicki and Drake abstained from the vote, as they were not present for the August 4, 2009 meeting.

Minutes approved as corrected.

6. STAFF REPORTS. There were no reports made by Staff.

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING.

There were no public comments on general matters of planning and zoning.

8. CORRESPONDENCE

8.1 A letter from Tom Landers regarding the Silas Robbins Bed & Breakfast.

Commissioner Hammer noted that the Town noise ordinances have been made abundantly clear, and in prior approvals, the Applicant subsequently acknowledged that he was aware of the ordinances. Therefore, the responsibility for addressing this ongoing issue and enforcement of the ordinances should be made independently of the Commission and with one or more of the following resources: police, Town Manager, Town Staff.

Mr. Gillespie noted that the Police have been made aware of this situation, case by case, and that he plans to meet with the new Town Manager to discuss this matter. Also, a sign that was posted on the snow shelf of Town-owned property was placed in front of the Silas Robbins House. This sign was removed by Town Staff.

Commissioner Hammer requested that Mr. Gillespie provide feedback to the Committee after the meeting with the Town Manager regarding noise ordinance issues relative to this site.

Commissioner Homicki made an inquiry regarding how severe the penalties are for noise ordinance violations.

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

9.1 **PUBLIC HEARING APPLICATION NO. 1686-09-Z John Poriello** Seeking a Special Permit in accordance with Section 5.2.C.1 of the Wethersfield Zoning Regulations to locate a professional office use at 322 Silas Deane Highway.

9.2 **PUBLIC HEARING APPLICATION NO. 1685-09-Z Kieran Williams** Seeking a Special Permit to conduct a retail business from a roadside vehicle without a principle building at 442 Silas Deane Highway.

10. ADJOURNMENT

Motion to adjourn at 10:32 PM – by Commissioner Homicki.

Seconded – by Commissioner Harley.

**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND MEETING**

September 1, 2009

Aye: Hammer, Roberts, Knecht, Harley, Jurasin, Munroe, Oickle, Homicki, Drake

Nay: None

Abs: None

Vote: 9 - 0 - 0

Meeting adjourned.

Respectfully submitted,

Ellen Goslicki, Recording Secretary